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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

TSYS Acquiring Solutions, LLC,) No. CV 09-0155-PHX-JAT
Plaintiff,) **ORDER**
vs.)
Electronic Payment Systems, LLC,)
Defendant.)

16 Pending before this Court is Defendant Electronic Payment Systems, LLC’s (“EPS”)
17 Motion to Transfer Related Case (Doc. 72). For the reasons that follow, the Court denies
18 Defendant’s motion.

19 This case was initiated by Plaintiff seeking vacatur of an arbitration award. On
20 October 22, 2009, this Court granted Defendant's motion for summary judgment and
21 affirmed the arbitration award in its entirety. On May 4, 2010, this Court amended its
22 previous judgment and denied Plaintiff's request to vacate the judgment under Rules 59(e)
23 and 60(b), and file a supplemental pleading under Rule 15(d). On May 14, Plaintiff filed a
24 separate action seeking declaratory relief concerning the 1-800 number issue.¹ The
25 declaratory relief action is currently pending before Judge Campbell. Defendant now seeks
26 to have the declaratory relief action transferred to the undersigned.

¹ For a discussion of the 1-800 number issue, see Doc. 59.

1 Defendant argues that transfer is proper under LRCiv. 42.1 because the interests of
2 judicial economy would best be served by having undersigned preside over the declaratory
3 relief action. LRCiv. 42.1(a)(1) provides:

4 Any party may file a motion to transfer the case or cases involved to a single Judge whenever two or more cases *are pending* before different Judges and any party believes that such cases: (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) calls for determination of substantially the same questions of law; or (5) for any other reason would entail substantial duplication of labor if heard by different Judges.

9 (emphasis added).

10 The Court does not believe there are two cases pending within the meaning of LRCiv.
11 42.1. This Court entered final judgment in the original action. Although there are post-
12 judgment motions pending in the original action, such motions pertain only to enforcement
13 of the judgment and prejudgment interest. Defendant has not cited the Court to any case that
14 would support the conclusion that, within these circumstances, the original action is still
15 “pending.” As such, the Court finds that transfer under the present circumstances is not
16 countenanced by LRCiv. 42.1.

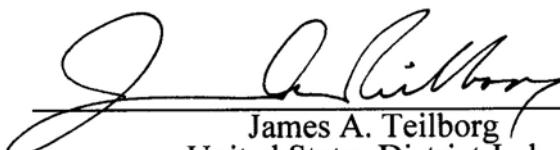
17 In any event, the Court does not find that the interests of judicial economy are best
18 served by transferring the declaratory relief action to the undersigned. The original action
19 involved only whether the arbitration award should be vacated. Although the 1-800 number
20 issue was raised in a post-judgment motion, the Court did not have occasion to substantively
21 resolve the issue, as the Court was presented only with the issue of whether Rules 59 or 60
22 permitted an amended or supplemental complaint. Because the 1-800 number issue presents
23 a different legal analysis than vacatur of the arbitration award, the Court does not believe that
24 the interests of judicial economy are best served by transferring the declaratory judgment
25 action to the undersigned.

26 Accordingly,

27 **IT IS ORDERED** that Defendant Electronic Payment Systems, LLC’s (“EPS”)
28 Motion to Transfer Related Case (Doc. 72) is denied.

1 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file a copy of this
2 Order in Judge Campbell's case, CV 10-1060-PHX-DGC (re: Doc. 10).

3 DATED this 13th day of July, 2010.

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6 James A. Teilborg
7 United States District Judge
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